



# THE FORT ST. GEORGE GAZETTE

## EXTRAORDINARY

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No. 12]

MADRAS, SATURDAY, JULY 15, 1939

### REVENUE DEPARTMENT.

**Tax—The Madras Entertainment Tax Act, 1939—**  
*Rules, notifications and press communications.*  
*For St. George, July 15, 1939*  
*(M.G. No. 2715, Extraordinary)*

No. 411.

In exercise of the powers conferred by sub-section (2) of section 1 of the Madras Entertainment Tax Act, 1939 (Madras Act X of 1939), His Excellency the Governor of Madras is hereby pleased to appoint the 1st day of August 1939 as the date on which all the proprietors of the said Act (except section 3) which has already come into force shall come into force.

No. 412.

In exercise of the powers conferred by section 24 of the Madras Entertainment Tax Act, 1939 (Madras Act X of 1939), His Excellency the Governor of Madras is hereby pleased to make the following rules:—

#### PART I—Preliminary.

1. These rules may be called "The Madras Entertainment Tax Rules, 1939."
2. They shall come into force on the 1st August 1939.
3. In these rules, unless there is anything repugnant to the effect or operation of—
  - (a) "the Act" means the Madras Entertainment Tax Act, 1939;

(b) "Entertainment Tax Commissioner" means the Member of the Board of Revenue or other officer who is authorized by the Government to exercise the powers of the Commissioner in Tax Commissioner under these rules;

(c) "Entertainment Tax Officer" means any officer appointed by the Government, by name or by system of office, to exercise the powers of an Entertainment Tax Officer under these rules, and which for each office has been appointed;

(d) the Tahsildar or Deputy Tahsildar of the taluk or sub-taluk having jurisdiction over the place where the entertainment is held; and  
 (e) where a local authority is authorized to collect the tax on behalf of the Government, the Executive Officer of the Corporation of Madras, the Executive authority of the municipality, or the president of the local board, as the case may be.

Provided that in the case of a municipality having a revenue officer, the Executive authority of the municipality may delegate his powers under these rules to such officer.

- (f) "Fair" means a fair appointed to these rules.
- (g) "Government" means the Provincial Government.

enact:

(1) "Government treasury" means a treasury or sub-treasury of the Government; and

(2) "Season ticket" means a ticket which entitles admission to a series of entertainments during a definite period specified in it.

4. In these rules "admission to an entertainment" and all receipts therefor shall include the admission or payment of a person admitted to one part of a place of entertainment to—

- (a) another part thereof subsequently; and
- (b) any part or other accommodation in the place of entertainment.

#### PART II—PAYMENT BY MEANS OF TICKETS.

5. The rules in this Part shall apply to all entertainments admission to which is required to be by tickets of the nature specified in clause (a) of sub-section (1) of section 2 of the Act.

6. Save as provided by the rules in this Part, no person shall admit or cause or permit to be admitted any person to be admitted to any cinema any stage performance to be in clause (a) of sub-section (1) of section 2 of the Act.

7. The proprietor shall not issue or cause or permit to be issued any ticket being a ticket entitling a person to be admitted to an entertainment unless the price of admission and the stamp hereafter mentioned are legibly printed, stamped or otherwise marked on the ticket.

For the purpose of this rule, "price of admission" means the gross value of the entertainment and there shall be marked on every such ticket a statement that the price marked thereon includes the entertainment tax.

8. The proprietor shall not issue or cause or permit to be issued in any person any stamp referred to in clause (a) of sub-section (1) of section 2 of the Act entitling admission to an entertainment, other than a ticket in which is affixed a stamp showing the proper amount of entertainment tax chargeable in respect of that person.

9. The proprietor shall not, on any person for admission to an entertainment, bring into, issue or cause to be issued any ticket in respect of that person any ticket entitling admission to the entertainment, other than a ticket in which is affixed a stamp showing the proper amount of entertainment tax chargeable in respect of that person.

10. If (1) there is provided by the rules in this Part, no stamp affixed to a ticket entitling the proper amount of entertainment tax payable in respect thereof shall be delivered, put, torn or destroyed before the ticket to which it is affixed is issued and the proprietor shall not admit or cause or permit to be admitted any person to the entertainment by virtue of a ticket bearing a stamp which has been delivered, put, torn or destroyed.

10. When a ticket is so awarded, the proprietor shall forthwith remove the stamp on the ticket to be defined by having the club (or two points) across the club. The portion of the ticket shall be returned to the person to be admitted, under circumstances and under penalty to be created and kept by the proprietor and subject to the decision of the members of the court. The portion so awarded and kept shall be destroyed thereafter.

For the purpose of this rule, two children over three years and under twelve years of age each shall be paid, deval to be equivalent to one person.

(2) *Deliberately* shall mean to either (a) fail to identify stamps indicating the proper amount of overpayment; (b) stamp a postage amount that is not the actual postage; or (c) stamp a postage amount that is not the actual postage and the proper postage due. The stamp or error it is to be defined by writing in ink on the face thereof the date of issue of the stamp and any stamp so defined shall not be required to be defined again in the case of stamps in the other type used in the manner prescribed in subrule (4) of rule 18.

24. A proponent shall give at least three days' notice of the election, date, time and nature of the controversy to the Intervenorists Tax Office, and in areas where the local authority concerned has not been authorized to collect the contributions tax on behalf of the Government, also to the village headman and the officer in charge of the district.

11. The proprietor shall, at all reasonable times, as demanded by the Entertainment Tax Officer produce a return to be produced before that officer all books and records kept by the proprietor in connection with the

entertainment and all systems and all portions of tubes and all temps for the tube being in the procedure we shall allow that of our to transport and take an amount of the same or to remove the same for the purpose of about sales or industry.

37. A person who has been added to an entertainment shall upon demand made by an officer authorized to enter any place of entertainment under section 16 of the Act during the course of or immediately before or after, the entertainment produce to such officer the portion of a ticket bearing a stamp affixed in accordance with the rules on that Part by virtue of which ticket he was admitted or the sum equivalent thereto to be admitted with him.

18. (f) A preparator shall not, for the purpose of obtaining or substantiating (g) of section 6 of the Act, use as a source stamps or his specimens which may otherwise have been obtained from a "good authority" with reference to the provisions of the Marine Land Acquisition Stamp Submittal Tax Act, 1966.

10. A local authority may before the last day of August return to the general authorities the stamps received by a proprietor under rule 10 and the stamp attached to the permit after consultation with the National Authority Entertainment Tax Act, 1929, and still remaining unused on the said date. The stamps shall therefore be cancelled and the proprietor not refunded by the local authorities to whom

20. Any proponent wishing to enter into an ethics ground for the subject of the test is the student prohibited as

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21. The Entertainment Tax Officer shall sign the amount and the nature of the security to be furnished by the proprietor and the time within which such security should be furnished. When the security is furnished, the Entertainment Tax Officer shall grant the proprietor a receipt in Form IV.

20. When a permit is granted, the Enforcement Team shall appear with an official seal of the United States on the permit along with an explanation and return them to the proprietor. The same procedure shall be adopted in respect of the Indians that may subsequently be issued by the proprietor, and for that purpose the Enforcement Team Officer may require the proprietor to forward to him such Indians at such intervals as he may require.

12. The forms shall be serially numbered and the shall run on consecutively from performance to performance until the series is completed.

24. Tickets for payment of the difference in the same admission from a lower to a higher class shall also be serially numbered in the manner specified in rule 23 and these tickets shall be shown separately as the regular tickets in Form II and in the returns of tickets specified in the order in Form IV.

20. The security furnished under rule 23 shall be necessary so long as the person remains to be taxed and shall be liable to forfeiture if the return is not furnished on the due date along with the receipt for it, or if the return is found to be inaccurate. The security shall also in the event of default be liable to adjustment towards the tax due at any time without adjustment of interest.

26. (f) The proprietor shall keep true and correct accounts and submit the same to the auditor in the manner specified in the format in Part IV and shall also abide by, as regards with, all the conditions specified therein.

(2) The proprietor shall pay the tax due, into a Treasury of the Corporation of Madrid, if the place registered is situated in the City of Madrid, or into a Government Treasury if such place is situated elsewhere. He shall attach the treasury receipt to the return, which shall be retained.

25. The proprietor shall not issue or cause or permit to be issued any ticket being a ticket authorizing admission to be admitted to the entertainment, unless it bears the signature of the proprietor, and the signature of the proprietor shall be printed, stamped or otherwise marked on the ticket and if the ticket should be prepared with a official seal of the Entertainment Tax Office, unless has been so required.

For the purpose of this rule "gross of discounts" includes the tax due on the total sum paid for admission and there shall be marked on every such ticket a statement that the above marked amount includes the tax.









4. The power to compound the tax under section 2 (a), to exempt from the tax charitable and worthy entertainments and to reduce the tax on such entertainments will not be exercised by the Entertainment Tax Officer but will be exercised in the City of Madras by the Commissioner, in districts and elsewhere by the Deputy Commissioner Tax Officer.

5. Provision has been made for an appeal from the orders of the Revenue Officer of the Madras Corporation to the Commissioner of the Madras Corporation, from the orders of the Commissioner of a municipal municipality to the Collector of the district and from the orders of an officer of the Commercial Tax staff or of the Revenue District Officer to the officer to whom he is directly subordinate. Appeals from original orders of the Commissioner of the Corporation will lie to the Entertainment Tax Commissioner. Provision has also been made in the rules authorizing the Entertainment Tax Commissioner to revise orders in the interest of Government or under section 10 of the Act or the rules. The Commissioner of Commercial Taxes has been appointed to exercise the powers of the Entertainment Tax Commissioner.

6. The rules provide for the procedure to be followed in respect of the stamping and issue of tickets and the defacing of stamps and, where payment is made by returns, the authentication of returns by the Entertainment Tax Officer and for the form of accounts and returns which must be maintained

and submitted. These rules are local upon those which have been in force under the Madras Local Government Entertainment Tax Act.

7. Section 3 (c) of the Act provides for the payment of the tax due by means of consolidated payments at such percentage of the gross proceeds as Government may fix. This percentage has been fixed at 25 per cent which represents approximately the average of the so clause of the Act under section 4.

8. All proprietors who have not adopted provision to pay the entertainments tax by another method will have to provide themselves with proper stamps for use on and after August 1st. These stamps are now on sale at all places where stamps issued for use under the Madras Local Government Entertainment Tax Act may not be used on or after August 1st but a provision has been included in the rules for the refund of the value of stamps issued by the local authorities under the existing Act if returned to them before the 1st August 1930.

9. Proprietors who desire to avoid themselves of the method of payment on tickets should apply immediately to the Entertainment Tax Officer concerned, viz. in Madras City the Revenue Officer of the Corporation, in local municipalities the District Commissioner and elsewhere to the District Commissioner Tax Officer, or to the District Commissioner Tax Officer, or to the District Officer of the District.

**K. G. HOLDSWORTH,**  
Secretary to Government.